

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

EASEMENTS TO CONSTRUCT, OPERATE,
AND MAINTAIN A NATURAL GAS
PIPELINE OVER TRACTS OF LAND IN
GILES COUNTY, CRAIG COUNTY,
MONTGOMERY COUNTY, ROANOKE
COUNTY, FRANKLIN COUNTY, AND
PITTSYLVANIA COUNTY, VIRGINIA,
et al.,

Defendants.

Case No. 7:17cv492-EKD

ORDER GRANTING IMMEDIATE POSSESSION
OF MVP PARCEL NO. VA-FR-076.01

This order applies to the tract owned by David J. Werner, Betty B. Werner, Ian Elliott Reilly, and Carolyn Elizabeth Reilly described in paragraph 214 of the complaint and identified as MVP No. VA-FR-076.01 (“Property”). The Property is located in Franklin County, Virginia, and described in deed recorded in Deed Book 990, Page 2914, in the land records of Franklin County, Virginia, and identified as Tax Map Parcel 0440004300.

On October 13, 2017, the Federal Energy Regulatory Commission (“FERC”) issued an order (“Certificate Order”) to Mountain Valley Pipeline, LLC (“MVP”) to construct, maintain, and operate a natural gas pipeline along a route that includes the Property (“Approved Route”). The Approved Route is shown on the alignment sheets filed with the Court. Plaintiff’s Exhibit 4, Dkt. No. 329.

On October 24, 2017, MVP filed this action to condemn easements along the Approved Route on the Property under Section 7 of the Natural Gas Act, 15 U.S.C. § 717f (“Easements”). As shown in the attached map, the Easements on the Property include:

(a)	Temporary Workspace	1.96 acres
(b)	Additional Temporary Workspace	0.17 acre
(c)	Permanent Easement	1.57 acres
	Total Acres, More or Less	3.70 acres

The rights and privileges applicable to various easements are included in the attached description.

On January 31, 2018, the Court issued a memorandum opinion and an order granting MVP’s motion for partial summary judgment and conditionally granting MVP’s motion for immediate possession upon a determination of appropriate security. Dkt. Nos. 339, 340. Upon consideration of the information submitted on security, the Court sets the deposit for this Property at \$170,439, and the bond at \$113,626.

It is therefore ORDERED that MVP is granted immediate possession of the Easements effective upon making the required deposit and posting the required bond.

It is further ORDERED that defendants and their agents, servants, employees, and those in active concert and participation with them, are prohibited from delaying, obstructing, or interfering with access to or use of the Easements by MVP or its agents, servants, employees, or contractors.

Entered: March 8, 2018.

/s/ Elizabeth K. Dillon
 Elizabeth K. Dillon
 United States District Judge

DESCRIPTION OF EASEMENTS

As more specifically identified on the map for each property, the easements include:

- (a) Permanent and exclusive rights-of-way of 50 feet in width to construct, operate, protect, maintain, replace, repair, remove, or abandon the pipeline and appurtenant equipment and facilities;
- (b) Ingress to and egress from the rights-of-way by means of the permanent and temporary access roads, which MVP may construct, improve, maintain, or replace as necessary or convenient;
- (c) The right of ingress and egress to, from, on, and across the permanent and exclusive rights-of-way to access other properties or sections of the pipeline and appurtenant equipment and facilities.
- (d) Temporary and permanent workspace and additional workspace;
- (e) Temporary and permanent anode bed easements and workspace;
- and
- (f) The right to clear trees, brush, or other vegetation as necessary or convenient for the safe and efficient construction, operation, or maintenance of the pipeline or access roads.

The pipeline, except for risers, valves, drips, hydrate removal systems, line markers, cathodic protection, and test standards, and other appurtenant equipment and facilities reasonably required, shall be buried so as not to interfere with the cultivation of the land. Landowners may fully use and enjoy the premises to the extent that such use and enjoyment does not interfere with or obstruct MVP's rights described herein. Landowners shall

not, without the prior written consent of MVP: (a) change the depth of cover over the permanent and exclusive rights-of-way for the installed pipeline, (b) place or permit to be placed any temporary or permanent structure or obstruction of any kind, including but not limited to buildings, swimming pools, sheds, paved roadways, concrete pads or sidewalks, mobile homes, trees, telephone poles or wires, electric poles or wires, water or sewer lines, meters or utility boxes, or the like on or over the permanent and exclusive rights-of-way for the installed pipeline; (c) store any materials of any kind on the rights-of-way or operate or allow to be operated over the rights-of-way any heavy machinery or equipment that is in excess of 40,000 pounds or that may damage the pipeline or its appurtenant equipment or facilities; or (d) permit the rights-of-way to be covered by standing water, except in the course of normal seasonal irrigation.

